

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Leary Sweat, Jr.,

Petitioner,

v.

Director Mr. Crayman J. Harvey,

Respondent.

C/A: 1:24-1943-SAL

ORDER

Petitioner Leary Sweat, Jr., proceeding pro se and in forma pauperis, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending this case be summarily dismissed with prejudice for failure to allege sufficient facts. [ECF No. 11.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 6. Plaintiff has not filed objections, and the time for doing so has expired.

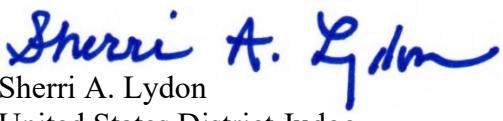
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates the Report by reference herein. As a result, this matter is **SUMMARILY DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED.

July 11, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge